

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1603 of 1997

in

SPECIAL CIVIL APPLICATION No 7028 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MOHAMMAD NASIMKHAN

Versus

CHIEF SECURITY COMMISSIONER

Appearance:

MR NK MAJMUDAR for Appellant
MR JJ YAJNIK for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

Date of decision: 02/04/98

ORAL JUDGEMENT

1. Admitted. Mr. J.J. Yagnik waives service of notice of admission on behalf of the respondents. With

the consent of learned advocates for the parties, the matter is taken today for final hearing.

2. Having heard the learned advocates for the parties, without entering into larger questions on factual aspects, it transpires that the appellant is not permitted to resume duty at Ajmer despite the transfer and he is also not paid subsistence allowance. Learned Advocate, Mr. Yagnik states that, in this regard, if a representation is made, the authorities concerned will give due consideration.

3. As such without observing anything on merits, this appeal is disposed off with an observation that it would be open for the appellant to make a representation to the authorities concerned of the respondents for joining duty at Ajmer and for payment of subsistence allowance. It would also be open for him to make a representation for changing his head quarter from Ajmer to Baroda or any other convenient place and the authorities will decide the representation in accordance with law without being influenced by the observations made hereinabove. The appellant will make a representation within three weeks from today and the authorities concerned will decide the same within four weeks from the receipt of the representation. Appeal is, accordingly, disposed off. No costs.

(C.K. THAKKAR, J.)

(A.L. DAVE, J.)

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